

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PYRAMID LAKE PAIUTE TRIBE,

Plaintiff,

v.

DOUG BURGUM,¹ in his official
capacity as Secretary of the United States
Department of the Interior, and the
UNITED STATES DEPARTMENT OF
THE INTERIOR,

Defendants.

Case No. 3:23-cv-00348-ART-CSD

ORDER GRANTING

**JOINT STIPULATED MOTION TO
CONTINUE STAY OF CASE**

[Fourth Request]

¹ Doug Burgum was sworn in as Secretary of the United States Department of the Interior on February 3, 2025 and, in his official capacity, is the successor to Deb Haaland, in her official capacity as Secretary of the United States Department of the Interior, and automatically substituted as a defendant under Federal Rule of Civil Procedure 25(d).

1 Pursuant to the Court's March September 9, 2024 order staying this case for an additional
2 six months, ECF No.18, Defendants Doug Burgum, in his official capacity as Secretary of the
3 United States Department of the Interior and the United States Department of the Interior
4 (collectively "Defendants") and Plaintiff Pyramid Lake Paiute Tribe ("Plaintiff" or "Tribe")
5 hereby submit a joint status report and stipulate and jointly move the Court to continue the stay
6 of this case and all case deadlines for an additional approximately two months, to and including
7 May 12, 2025. As grounds for this motion, the parties state as follows:

8 1. Plaintiff asserts Administrative Procedure Act, breach of trust, and mandamus
9 claims against Defendants for their alleged failure to manage certain water rights no longer used
10 for irrigation of lands at the Naval Air Station in Fallon, Nevada ("Navy Water") primarily for
11 the purposes of conservation and recovery of endangered cui-ui and threatened Lahontan
12 cutthroat trout in Pyramid Lake within the Tribe's reservation, as purportedly required by the
13 1990 Truckee-Carson-Pyramid Lake Water Settlement Act, Title II of Pub. Law 101-618 (1990).

14 2. Defendants and Plaintiff previously filed three joint stipulated motions for six-
15 month stays of the litigation to facilitate government-to-government consultation between
16 Defendants and the Tribe concerning the Navy Water and related matters at issue for the purpose
17 of attempting to resolve the litigation through this consultation and other discussions. ECF Nos.
18 13, 15, 17. The Court granted the first motion by order dated September 13, 2023, ECF No. 14,
19 which stayed this case until March 13, 2024. The Court granted the second motion by order
20 dated March 7, 2024, ECF No. 16, which stayed this case until September 9, 2024. And the
21 Court granted the third motion by order dated September 9, 2024, ECF No. 18, which stayed this
22 case until March 9, 2025.

23 3. Since the granting of the initial stay and through the period of the third stay,
24 representatives for the parties, through lead counsel, representatives of the Department of the
25 Interior, and principals/managers for the Tribe, as well as separately through
26 technical/hydrologic representatives, met many times to engage in government-to-government
27 consultation and associated negotiations on the issues raised by this case and discuss a
28 framework for potentially resolving this case, including meetings on March 14, 2024, April 2,

1 2024, April 26, 2024, and July 23, 2024, September 18, 2024, October 9, 2024, November 11,
2 2024, and March 4, 2025.

3 4. Based on the continuing progress made in their settlement discussions in
4 connection with these meetings, the parties desire to continue these discussions and to extend the
5 stay for an additional two months to facilitate these discussions.

6 5. “The District Court has broad discretion to stay proceedings as an incident to its
7 power to control its own docket.” *Flores v. Merck & Co.*, No. 321CV00166ARTCLB, 2022 WL
8 4281427, at *1 (D. Nev. June 13, 2022) (quoting *Clinton v. Jones*, 520 U.S. 681, 706–07 (1997)).

9 6. It would be in the interests of judicial economy to continue the stay of this case to
10 allow the parties to continue their efforts to resolve this litigation without judicial involvement.
11 The parties anticipate at this time that two months should be sufficient for the principal
12 negotiators to attempt to reach a recommended resolution in principal and to reduce that
13 agreement to writing. If they do so, they can then begin the process of securing the formal
14 approvals of the Pyramid Lake Paiute Tribal Council and the necessary management within the
15 U.S. Department of the Interior and the U.S. Department of Justice, which they anticipate will
16 take additional time beyond the requested two month extension.

17 7. If the Court grants the requested continuation of the stay, the parties will file a
18 joint status report advising the Court of the status of their negotiations and future proceedings, on
19 May 12, 2025, approximately two months from the date of the order granting the stay.

20 ///

21
22 ///

23
24 ///

25
26 ///

27
28 ///

WHEREFORE, the parties jointly stipulate and move the Court to continue the stay of this case for a period of approximately two months to and including May 12, 2025, at the conclusion of which the parties shall file a joint status report advising the Court of the status of their negotiations and future proceedings.

Dated: March 7, 2025.

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
U.S. Department of Justice
Environment & Natural Resources Division

KEMP JONES, LLP

/s/ Thomas K. Snodgrass
THOMAS K. SNODGRASS, Senior Attorney
DEVON LEHMAN MCCUNE, Senior
Attorney
Natural Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Telephone: 303-844-7233 (Snodgrass);
303-844-1487 (McCune)
Email: thomas.snodgrass@usdoj.gov;
devon.mccune@usdoj.gov

/s/ Christopher W. Mixson (with permission)
Don Springmeyer, Esq. (Nev. Bar #1021)
Christopher W. Mixson, Esq. (Nev. Bar.
#10685)
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, Nevada 89169

Attorneys for Plaintiff Pyramid Lake Paiute
Tribe

AMANDA K. RUDAT, Trial Attorney
Natural Resources Section
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044
Tel: 202-532-3201
Fax: 202-305-0275
amanda.rudat@usdoj.gov

Attorneys for Defendants

IT IS SO ORDERED:



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE

DATED: March 11, 2025